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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2010 - 265*

13 **RENEE ANN CHOI**
3461 Hoffman Road
Oroville, CA 95965

A C C U S A T I O N

14 Registered Nurse License Number 455916

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about August 31, 1990, the Board of Registered Nursing issued Registered
23 Nurse License Number 455916 to Renee Ann Choi (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 February 28, 2010, unless renewed.

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STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct,

7. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such

1 use impairs his or her ability to conduct with safety to the public the
2 practice authorized by his or her license.

3 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
4 unintelligible entries in any hospital, patient, or other record pertaining to
5 the substances described in subdivision (a) of this section.

6 8. Health and Safety Code section 11170 states that no person shall prescribe,
7 administer, or furnish a controlled substance for herself.

8 9. Health and Safety Code section 11173 states, in pertinent part:

9 (b) No person shall make a false statement in any prescription, order,
10 report, or record, required by this division.

11 DRUGS

12 10. **Ativan** is a drug within the group of drugs known as Benzodiazepine and is classified
13 as a Schedule IV controlled substance pursuant to Health and Safety Code section 11057,
14 subdivision (d)(13).

15 11. **Oxazepam** is a drug within the group of drugs known as Benzodiazepine and is
16 classified as a Schedule IV controlled substance pursuant to Health and Safety Code section
17 11057, subdivision (d)(13).

18 12. **Marijuana** is a Schedule I controlled substance as designed in Health and Safety
19 Code section 11054, subdivision (d)(13).

20 COST RECOVERY

21 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Self-Prescribed and Self-Administered Controlled Substances;

3 False Statement in Prescription, Order, Report, or Record)

4 14. Respondent's license is subject to disciplinary action on the grounds of
5 unprofessional conduct under Code section 2762, subdivision (a), in violation of Health and
6 Safety Code section 11170, as follows:

7 a. On or about October 29, 2007, Respondent self-administered the controlled substance
8 Oxazepam in violation of Health and Safety Code section 11170 and without a prescription for
9 Oxazepam. Respondent submitted to a drug screen test by her employer and tested positive for
10 Oxazepam.

11 b. On or about November 7, 2007, Respondent self-prescribed the controlled substance
12 Ativan to herself on a prescription pad of Dr. Douglas E. Harrison, D.O., in violation of Health
13 and Safety Code section 11170.

14 c. On or about November 7, 2007, Respondent made a false statement in a prescription,
15 order, report, or record concerning the controlled substance Ativan on a prescription pad of Dr.
16 Douglas E. Harrison, D.O., in violation of Health and Safety Code section 11173.

17 d. On or before October 9, 2008, Respondent self-administered the controlled substance
18 Marijuana, in violation of Health and Safety Code section 11170.

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Used Controlled Substance in Manner Dangerous or Injurious to Self or Others)

21 15. Respondent's license is subject to disciplinary action on the grounds of
22 unprofessional conduct within the meaning of Code section 2762, subdivision (b), in that on or
23 about October 29, 2007, she used a controlled substance to an extent or in a manner dangerous or
24 injurious to herself, other persons, or the public, to the extent the use impaired her ability to
25 conduct with safety to the public the practice of registered nursing, when she reported for duty as
26 a registered nurse at Enloe Medical Center, Chico, California, in an impaired state.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (False, Grossly Incorrect, Grossly Inconsistent, or Unintelligible Entries in Records)

3 16. Respondent's license is subject to disciplinary action on the grounds of
4 unprofessional conduct within the meaning of Code section 2762, subdivision (e), in that on or
5 about November 7, 2007, Respondent made a false, grossly incorrect, grossly inconsistent, or
6 unintelligible entry in a record, that is a prescription, stating that Douglas E. Garrison, D. O., had
7 prescribed the controlled substance Ativan for Respondent.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct)

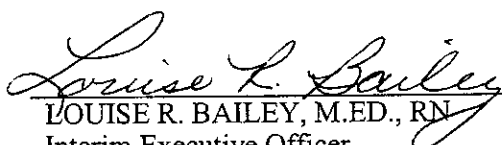
10 17. Respondent's license is subject to disciplinary action under Code section 2761,
11 subdivision (a), on the grounds of unprofessional conduct as set forth in paragraphs 14 through
12 16, above.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 455916 issued to Renee
17 Ann Choi;
- 18 2. Ordering Respondent Renee Ann Choi to pay the Board of Registered Nursing the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

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24 DATED: 11/17/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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